

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

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TERRELL VERNELL,
Plaintiff.

v.

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25-CV-0163

Case No. _____

Sgt. Smith, C/O Wilson, Lt. Owens,
Sgt. Snowden, John/Jane Doe officers,
Lt. Gonzalez, Warden Doe et al.,
Defendants.

CIVIL COMPLAINT UNDER 42 U.S.C. §1983
(JURY TRIAL DEMANDED)

SUMMARY OF CASE

House of Correction staff members used excessive force against me, violated my due process rights, and they were deliberately indifferent to my serious medical needs in regards to not getting me medical treatment period.

JURISDICTION

- 1.) This Court has jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331 and 1343 (a)(3).
- 2.) Venue is the U.S. District Court for the Eastern District of Wisconsin which is proper pursuant to 28 U.S.C § 1391 (b).
- 3.) Plaintiff Terrell Vernell is a prisoner in the Wisconsin Prison system in the custody of the Wisconsin Department of Corrections ("DOC"). He is currently incarcerated at the New Lisbon Correctional Facility in New Lisbon, Wisconsin at P.O. Box 2000 New Lisbon, Wisconsin 53950.

4.) Defendant Sgt. Smith is a corrections officer/Sheriff at the House of Corrections.

5.) Sgt. Snowden is a corrections officer/sheriff at the House of Corrections.

6.) John/Jane officers are Sheriff's at the House of Corrections.

7.) Lt. Gonzalez is a officer/ Sheriff at the House of Corrections.

8.) C/O Wilson is a corrections officer/Sheriff at the House of Corrections.

9.) John/Jane Doe is the Warden at the House of Corrections.

10.) All defendants have acted and continue to act, under color of state law at all times relevant to this complaint.

11.) Each defendant is sued individually and in his/her official capacity.

STATEMENT OF FACTS

12.) On or about 7-16-23 at approximately 5:25p.m Sgt. Smith deployed an entire can of OC spray/mace into the face of plaintiff Terrell Vernell without just cause or warning.

13.) As I was choking and unable to breathe Sgt. Smith replied, "choke on that bitch."

14.) Plaintiff Vernell was placed in segregation after that and was never afforded the opportunity to shower and or properly rinse the mace from his face, nose or hair. Leaving him in extreme pain for the 2-3days he was kept in segregation which is how long he was kept in seg prior to being released.

15.) Plaintiff Vernell let C/O Davis-Moore, Sgt. Snowden, and Lt. Owens know that he was in extreme pain and could not breathe and or see and that he needed a shower to rinse off the mace ALL of these officers refused to help plaintiff Vernell and in fact laughed and joked about his discomfort.

16.) C/O Davis-Moore, Sgt. Smith, Sgt. Snowden, and Lt. Owens all turned a blind eye to the staff misconduct and excessive force that was done to plaintiff Vernell by Sgt. Smith. They also were all deliberately indifferent to my serious medical needs by refusing to allow me to shower and wash the mace from my face. Instead they mocked me and allowed me to be in extreme pain and discomfort which I told them I was in.

17.) I sat in segregation for 2-3 days in pain feeling as if my skin was on fire without being given the opportunity to wash the burning substance off via shower. I told this to multiple John/Jane Doe officers that worked while I was in segregation. I should be able to acquire their identity during discovery. They were deliberately indifferent as well by refusing to allow me to shower and disregarding the pain that I was in.

18.) The force used in this case was "malicious", and over the top and was not done in an effort to restore order. I was not combative in anyway. Sgt. Smith sprayed me in the face with an "ENTIRE" can of mace without just cause..

19.) Due to Sgt. Smith's inappropriate actions he was suspended for several months, which in itself is a testimony to his inappropriate behaviour.

20.) John/ Doe Wardén is deliberately indifferent for failing to properly train his staff on how to respond to a man when he has been sprayed with mace. Its common sense that when a person is sprayed with mace he needs to be afforded an opportunity to wash it off.

21.) Mr. Vernell is a pretrial detainee so he is stating that his 14th and 8th amendment rights are being violated due to excessive force being used as well as deliberate indifference based on the (def's.) response to medical treatment or lack thereof by being refused a chance to shower.

22.) It should be noted that this entire incident was captured on tape and that I've asked for it to be preserved due to the various acts of staff misconduct stated herein Terrell Vernell has suffered physical and psychological injuries, and he continues to suffer.

24.) All administrative remedies were exhausted by Mr. Vernell in regards to the facts stated herein. Mr. Vernell ask this court that they properly apply all legal standards and or violations of the constitution that apply.

relief requested

WHEREFORE, plaintiff request that the court grant the following;

A. A declaratory judgment stating that the defendants violated the plaintiff's rights under the U.S. Constitution.

B.) An injunction requiring an indepent contractor/investigator/agency to look into HOC's ongoing pattern of excessive used by these Sheriff's

C.) Award compensatory damages, jointly and severally.

D.) Award punitive damages, jointly and severally.

E.) Award court cost and fees.

F.) Grant a jury trial (of no less then 12.

Dated this 27th day of January, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the facts stated herein are true and correct and based on personal observations and direct knowledge.

Respectfully Submitted,

x Vernell

Veneri, Terrell #35766

New Lisbon Correctional Inst

10. box 2000

New Lisbon, WI 53950

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Eastern District of Wisconsin

Milwaukee
362 United States Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202

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